

**REMARKS**

Applicant respectfully requests entry and favorable consideration of this response and amendment and allowance of the pending claims.

**Status:**

Claims 1-18 are pending in this application. New Claims 19 and 20 have been added. Support for new Claims 19 and 20 is found on page 11, lines 13 – 19. No new matter has been added.

**Allowed Claims:**

Claims 1-7 are allowed.

**Objections to the Drawings/Specification:**

The Examiner objects to the Drawings on the basis that “they do not include the following reference sign(s) mentioned in the description: ‘vanes 136’ (page 13, line 5).” Applicant has submitted an amendment to the paragraph containing this reference to “vanes 136” to replace it with the phrase “vanes (not shown)”. This amendment is consistent with the reference in the same paragraph, page 13, lines 1-2 to “vanes (not shown)”. Accordingly, the specification has been amended and such amendment is believed to satisfactorily address the Examiner’s objection.

Additionally, consistent with an amendment made in a related case (Serial No. 10/302,641) in the specification on page 9, line 20 a typographical error was corrected. The Examiner’s attention is drawn to page 9, lines 13-14 wherein it is stated: “[r]eferring now to Figs. 9 – 12, four embodiments of such centralizers are shown at reference numerals 56, 58, 60, and 64, respectively.” As such, the phrase “[t]he centralizer 58 shown in Fig. 9 ....” on page 9, line 20 has been changed to read instead: “[t]he centralizer 56 shown in Fig. 9 ....”

Also, line 14 on page 12 has been amended to correct a typographical error: the reference number “collars 12 ...” should read “collars 124 ....”

Accordingly, the specification has been amended and such amendments are believed to be in order. No new matter was added.

**Rejection of the Claims:**

**Judicially created doctrine of obviousness-type double patenting in view of commonly owned “prior” patent.**

The Examiner rejects claims 8, 12 and 15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 9, 17 and 20 of Applicant’s commonly owned prior U.S. Patent 6,484,803. Additionally, the Examiner rejects claims 11 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 9, 17 and 20 of Applicant’s commonly owned prior U.S. Patent 6,484,803 in view of Baker (2,546,582).

In response to the Examiner’s rejection, a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) is being submitted herewith. Prior U.S. Patent 6,484,803 is owned by Casetech International, Inc., the same owner of the present application, as evidenced by the assignments filed in the USPTO, reel/frame 011096/0450 for the ‘803 patent and reel/frame 014737/0294 for the pending application. Accordingly, Applicant respectfully submits that the filing of this terminal disclaimer is sufficient to overcome the Examiner’s rejection, and the Applicant respectfully requests that the Examiner withdraw this rejection.

**35 U.S.C. § 102(b).**

The Examiner rejects claims 8 and 12 under 35 U.S.C. § 102(b) as being anticipated by Mikolajczyk (U.S. Patent No. 6,209,638). The Examiner states that the tubular member (20) of Mikolajczyk contains lugs (40) “which are deemed to comprise the ‘shoulder’ of claim

8” and windows (70) in the collars (55) that are “deemed ... to read on the ‘groove’ of claim 8 insofar as it is formed in the collar(55) for ‘receiving the shoulder on said tubular member’, i.e., one or more of the lugs (40)”, and that the bow spring centralizer (50) includes a pair of collars (55), as called for in claim 12.”

In response to this rejection, the Applicant has amended claim 8 to recite, in part,  
a groove formed in the inside surface of said collar for receiving the shoulder on said tubular member to limit longitudinal movement of said collar on the tubular member  
and to provide rotational movement of said collar on the tubular member;

Mikolajczyk specifically teaches (in Col 5, lines 5 – 10) in connection with FIG. 1 that the windows (70) fit over the lugs (40) in a configuration that “restrain[s] the rotational and longitudinal movement of bow spring centralizer 50 within central recessed section 25.” Further, Mikolajczyk teaches (in Col 5, lines 43 – 50) that “[t]he size, configuration, and spacing of the different components of the invention, including lugs 40, windows 70, bands 55 ... are such that ... some amount of longitudinal movement of the bands 55 (and consequently bow spring centralizer 50) is still possible.” (Emphasis added). Thus, Mikolajczyk neither teaches nor discloses that the windows (70) can be sized to permit rotational movement of the bands (55); rather, to the contrary, although “some” longitudinal movement of the bands is taught to be desired and possible, rotational movement is taught to be restrained (see FIG 1, window (70), lugs (40)).

Accordingly, in view of the foregoing, Applicant believes that the Examiner’s section 102(b) rejection of claims 8 and 12 has been traversed, and Applicant respectfully requests withdrawal of same and allowance of the claims.

**35 U.S.C. § 103.**

The Examiner rejects claim 11 under 35 U.S.C. § 103 as being unpatentable over Mikolajczyk (U.S. Patent No. 6,209,638) as applied to claim 8 above, and further in view of Baker (2,546,582). In view of the fact that claim 11 depends from claim 8, for the reasons set out above with respect to claim 8, Applicant respectfully requests withdrawal of this rejection, and allowance of claim 11.

Additionally, the Examiner objects to claims 9, 10, 13, 14, 16 and 17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons set out above with respect to base claims 8 and 11, Applicant respectfully requests withdrawal of this objection, and allowance of claims 9, 10, 13, 14, 16 and 17. Likewise, because of their dependency on claim 8, new dependent claims 19 and 20 are in order for allowance.

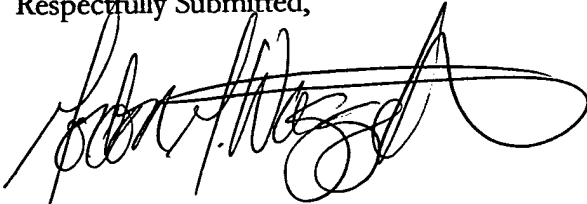
In view of the foregoing, the Applicant believes that the claims, as presently amended, are in order for allowance, and respectfully requests entry and favorable consideration of this response and amendment, and allowance of the claims.

- ☒ Applicant is filing contemporaneously herewith a Request for a One-Month Extension of Time along with the \$60 requisite fee.
- ☒ Applicant is filing contemporaneously herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior Patent" (a Statement Under 37 CFR 3.73(b) is already of record) along with the requisite \$65 fee under 37 CFR 1.20(d)
- ☒ No other fees are thought to be necessary.
- ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A check in the amount of the fee is enclosed.
- ☒ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ In the event that the above payment by credit card is somehow missing, or otherwise deficient, the Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 503452, Gordon G. Waggett, P.C., client file No. C2-PAT-003US. I have enclosed a duplicate copy of this sheet.

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To facilitate the resolution of any issues or questions presented by this paper, Applicant respectfully requests that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration and allowance of the claims.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Gordon G. Waggett', with a large, sweeping flourish extending to the right.

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